

Annex D

Decisions and determinations that are appealable

Benefit decisions

1. All decisions, other than those in Annex E, made on a claim for or award of a relevant benefit¹, including whether there has been a valid claim² or if the claim is defective.

1 SS Act 98, s 12(1)(a); 2 UC, PIP, JSA & ESA (C&P) Regs, regs 8, 11, 13, 15, 19, 21 & 23

2. Entitlement to and amount of a benefit for which no claim is required¹.

1 UC, PIP, JSA & ESA (C&P) Regs, regs 6, 7, 9(6) & 9(7); SS Act 98, Sch 3, paras 1-2

3. Whether benefit to which a claimant is entitled is not payable because¹

3.1 the claimant is disqualified for receiving benefit²

3.3 the claimant is in hospital³

3.4 a sanction has been imposed⁴

3.5 a PIP claimant is in a care home, hospital or in prison⁵

1 SS Act 98, Sch 3, para 3; 2 SS Act 98, Sch 3, para 3(a) WR Act 07, s 18; 3 SS CB Act s 113(2);

4 SS Act 98, Sch 3, para 3(f); WR Act 12, s 26-28 & s 46; ESA Regs 13, reg 50-61;

5 SS Act 98, Sch 3 para 3 (h & i)

4. Payments to third parties¹ (but see Annex E for exceptions).

1 SS Act 98, Sch 3 para 4

5. Whether an overpayment of benefit is recoverable, and if so, the amount¹.

1 SSA Act, s 71, 71A, 71ZB, 71ZG & 71ZH

6. Decisions about a proposal to make or vary a claimant commitment¹.

1 SS Act 98, para 8; JS Act 95, s 9 & 10

7. A decision as to the amount of a relevant benefit that is payable under prescribed legislation¹.

1 SS Fraud Act 01, s 6B, 7, 8 & 9; SS Act 98, Sch 3, para 3A

Contributions decisions

1. Whether a person was precluded from regular employment by home responsibilities¹.

1 SS Act 98, Sch 3 para 16

2. Whether a person should be credited with earnings or contributions¹.

1 SS Act 98, para 17; SS CB Act 92, s 22(5)